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feiture of an automobile engaged in the illegal transportation of intoxicating liquor while in possession of a person other than the owner, in which the owner intervened, it will not be presumed that the person in charge at the time of seizure acquired possession by theft or other trespass.

2. Intoxicating Liquors (§ 246*)—Automobile Used to Transport Liquor Forfeited, Though Driver Agreed with Owner Not to Take Vehicle Out of State.—Where owner of automobile in other state permitted another person to use automobile under agreement not to take it out of such state, and where automobile, in violation of such agreement, was taken into this state, where it was seized by the commonwealth by reason of its use in illegal transportation of intoxicating liquors, the automobile will be forfeited to state, notwithstanding violation of agreement not to take it out of state, since person in possession at time of seizure had lawful possession in the first instance.

3. Intoxicating Liquors (§ 251*)—Automobile Used to Transport Liquor Forfeited, Notwithstanding Recorded Lien against It.—Automobile used for illegal transportation of intoxicating liquor will be forfeited to the state, notwithstanding that it is subject to a recorded lien for money loaned; the lien being subordinate to the commonwealth's right to have automobile forfeited.

Error to Hustings Court of Richmond.

Proceeding by the Commonwealth for forfeiture of an automobile engaged in illegal transportation of intoxicating liquors, opposed by F. C. Pennington and J. L. Ricker. Judgment of forfeiture, and Pennington and Ricker bring error. Affirmed.

G. K. Pollock and Brockenbrough Lamb, both of Richmond, for plaintiffs in error.

Jno. R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and Leon M. Bazile, of Richmond, for the Commonwealth.

BUCHHOLZ v. COMMONWEALTH.

March 30, 1920.

[102 S. E. 760.]

1. Intoxicating Liquors (§ 246*)—Automobile Stolen by Chauffeur with Whom Owner Intrusted It, May Be Forfeited.—Where an owner in the District of Columbia intrusted his automobile to his chauffeur to take to repair shop, and the latter used it for unlawfully transporting ardent spirits into the commonwealth, the auto-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

mobile was subject to forfeiture under the prohibition act (Acts 1918, p. 612, § 57), though under the law of the District the chauffeur became a thief before taking the car from the District, whether the right given the chauffeur by the owner was that of custody or possession.

2. Intoxicating Liquors (§ 245*)—Forfeiture Provisions to Be Strictly Enforced.—In view of the facility with which liquor may be transported in automobiles, the forfeiture provided in the Prohibition Act (Acts 1918, p. 612, § 57) should be strictly enforced, unless the owner did not knowingly part with either custody or possession, especially in view of the declaration of section 58 of the act, providing that all of its provisions shall be liberally construed.

Error to Hustings Court of Richmond.

Information by the Commonwealth to enforce a forfeiture of an automobile seized while engaged in illegal transportation of ardent spirits, which was claimed by Gustav Buchholz. There was a judgment of forfeiture, and the claimant brings error. Affirmed.

Carlin & Carlin (*Smith & Wools*, of counsel), for plaintiff in error.

John R. Saunders, Atty. Gen., *J. D. Hank, Jr.*, Asst. Atty. Gen., and *Leon M. Bazile*, of Richmond, for the Commonwealth.

ELLIOTT v. BIRRELL.

March 30, 1920.

[102 S. E. 762.]

1. Landlord and Tenant (§ 70*)—Estate From Year to Year or Month to Month Is “Estate for Years.”—An estate from year to year or from month to month is an “estate for years” (citing 8 Words and Phrases, p. 6908).

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Estate for Years. For other cases, see 9 Va.-W. Va. Enc. Dig. 119, 120, 122.]

2. Landlord and Tenant (§ 114 (1)*)—Tenancies From Year to Year Created by Agreement or Implication.—Tenancies from year to year arise either by express agreement or implication, and by judicial construction they have replaced tenancies at will and by sufferance, on account of the uncertainties and injustices of the latter.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 119, 120, 121.]

3. Landlord and Tenant (§ 114 (1)*)—How Periodic Tenancy Is Created.—When a tenant is in possession under a lease for an in-

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